

## **REMARKS/ARGUMENTS**

Claims 7-20 and 23-30 are pending. Reconsideration of this Application and entry of this Amendment after Final are respectfully requested. The proposed amendment places the claims in better form for appeal. Additionally, this amendment addresses items brought up by the examiner in the final office action. In view of the amendments and following remarks, favorable consideration and allowance of the application is respectfully requested.

### **35 U.S.C. §112 Rejections**

Claims 21 and 22 were rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. Claims 21 and 22 were cancelled in a previous amendment. For this reason, the withdrawal of the rejection of claims 21 and 22 is requested.

### **35 U.S.C. §103 Rejections**

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references when combined must teach or suggest all the claim limitations. *See* MPEP 2143. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). *See* MPEP 2143.03.

- A. Claims 7-20 and 23-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Buirge in view of admissions in the present specification

The Examiner's rejection of claims 7-20 and 23-30 under 35 U.S.C. 103(a) as being unpatentable over Buirge in view of admissions in the present specification is traversed because the Examiner has failed to establish a *prima facie* case of obviousness as required by MPEP §2143. The Applicant respectfully asserts that Buirge in view of alleged admissions in the present specification, alone or in combination, fail to disclose, teach, or suggest all the claim limitations of independent claims 7, 17, 23 and 24

Specifically, Buirge in view of alleged admissions in the present specification, alone or in combination fail to teach or suggest:

1) a method for producing a stent that includes providing a preliminary stent comprising a permanent portion and a detachable portion, contacting an end of the detachable portion with at least one retainer; and retaining the preliminary stent with the at least one retainer solely at the end of the detachable portion, as recited in claim 7;

2) a system for producing a stent including means for providing a preliminary stent comprising a permanent portion and a detachable portion and means for retaining the preliminary stent solely by an end of the detachable portion, as recited in claim 17;

3) a stent coating system including a preliminary stent comprising a first detachable portion, a second detachable portion and a permanent portion disposed between the first and second detachable portions; and a retainer, the retainer comprising a first retaining portion and a second retaining portion, the preliminary stent disposed between the first retaining portion and the second retaining portion, wherein the first detachable portion includes a first end for contacting the first retaining portion and the second detachable portion includes a second end for contacting the second retaining portion, and wherein the retainer contacts the preliminary stent solely at the first end and second end, as recited in claim 23; and

4) a preliminary stent coating system including at least one retainer; a preliminary stent comprising a first detachable portion, a second detachable portion and a permanent portion disposed between the first and second detachable portions, wherein at least one of the first detachable portion and the second detachable portion includes at least one contact point contacting the at least one retainer and a coating disposed on an outer surface of the preliminary stent, wherein the at least one retainer contacts the preliminary stent solely at the detachable portion adjacent the retainer, as recited in claim 24.

Regarding claim 7, Buirge in view of the Applicant's specification does not teach or suggest providing a preliminary stent comprising a permanent portion and a detachable portion and retaining the preliminary stent with the at least one retainer solely at the end of the detachable portion.

Buirge discloses forming a three layer long tube on an elongated mandrel via a dip coating process. With the Buirge process, each layer of the tube is formed on the elongated mandrel by dipping the entire mandrel into a polymeric solution to coat the elongate mandrel with the stent forming solution. After the formed stent pump is hardened and dried, the laminate structure is removed from the mandrel by pulling out the core rod (mandrel) and pulling on the shrink tubing (see col. 4 lines 32-52). Thus, Buirge discloses a forming mandrel for use as a mold for forming the entire stent-pump. Buirge does not disclose a retainer that contact the ends of a preliminary stent. Consequently, Buirge does not teach a method of producing a stent that includes the step of retaining the preliminary stent with the at least one retainer solely at the end of the detachable portion as recited in claim 7. The alleged admissions in the Applicant's specification do not cure these defects. For at least these reasons, Buirge in view of the Applicant's specification do not teach or suggest all of the claim limitations of independent claim 7 or any claim depending therefrom.

Buirge also teaches away in that it discloses that rigid layer 16 provides structural integrity and acts as a stent (Buirge, col. 3, lines 39-41). As such, the dipping process to form the long tube with layers 12, 14 and 16 and then subsequently cutting the long tube, is the process of forming stent pumps to then be cut into individual stents for further processing, not the process of coating an individual stent as required by claim 7.

Additionally, Buirge does not teach or suggest, alone or in combination with the alleged admissions, coating an outer layer of the stent as required by claim 7. At most, Buirge teaches the coating of the ends of individual stent pumps after the stent pumps have been removed from the forming mandrel, and cut into individual stents in order to seal the intermediate layer 14.

Claims 2-16 depend from independent claim 7 and include all of the elements and limitations of independent claim 1 and, thus, are allowable for at least the same reasons as those stated above for claim 7. For at least these reasons, the withdrawal of the rejection of claims 7-16 under 35 U.S.C. 103(a) is requested.

Regarding independent claims 17, Buirge does not teach means for providing a preliminary stent comprising a permanent portion and a detachable portion and means for retaining the preliminary stent solely by an end of the detachable portion (see page 6 line 27 to page 7 line 14). As discussed above, Buirge merely discloses a forming mandrel for use as a mold for forming the entire stent-pump. Buirge does not, then, teach or suggest means for retaining the preliminary stent solely by an end of the detachable portion, as required by claim 17. The alleged admissions in the Applicant's specification do not cure these defects. For at least these reasons, Buirge in view of the Applicant's specification do not teach or suggest all of the claim limitations of independent claim 17 or any claim depending therefrom. Claims 19-20 depend from claim 17 and include all of the limitations of that claim. For at least these reasons claims 19-20 are allowable over the Buirge patent in view of the Applicant's specification. Therefore, the withdrawal of the rejection of claims 17-20 under 35 U.S.C. 103(a) is requested.

Regarding independent claim 23, Buirge in view of the Applicant's specification does not teach or suggest, at least, a stent coating system including a preliminary stent comprising a first detachable portion, a second detachable portion and a permanent portion disposed between the first and second detachable portions; and a retainer wherein the retainer contacts the preliminary stent solely at the first end and second end of the detachable portions. As discussed above, Buirge merely discloses a forming mandrel for use as a mold for forming the entire stent-pump. Buirge does not, then, teach or suggest a preliminary stent comprising a first detachable portion, a second detachable portion and a permanent portion disposed between the first and second detachable portions and a retainer for retaining the preliminary stent solely at the first end and second end of the detachable portions, as required by claim 23. The alleged admissions in the Applicant's

specification do not cure these defects. For at least these reasons, the withdrawal of the rejection of claim 23 under 35 U.S.C. 103(a) is requested.

Regarding independent claim 24, Buirge in view of the Applicant's specification does not teach or suggest a preliminary stent coating system including at least one retainer; a preliminary stent comprising a first detachable portion, a second detachable portion and a permanent portion disposed between the first and second detachable portions, wherein the at least one retainer contacts the preliminary stent solely at the detachable portion adjacent the retainer. As discussed above, Buirge merely discloses a forming mandrel for use as a mold for forming the entire stent-pump. Buirge does not, then, teach or suggest a preliminary stent comprising a first detachable portion, a second detachable portion and a permanent portion disposed between the first and second detachable portions and at least one retainer for retaining the preliminary stent solely at the detachable portion adjacent the retainer, as required by claim 24. The alleged admissions in the Applicant's specification do not cure these defects. Claims 25-30 depend from claim 24 and include all of the limitations of that claim. For at least this reason claims 25-30 are allowable over the Buirge patent. For at least these reasons, the withdrawal of the rejection of claims 24-30 under 35 U.S.C. 103(a) is requested.

B. Claims 8 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Buirge in view of Wang (US 6379379)

Claim 8 depends from independent claim 7 and includes all of the elements and limitations of independent claim 7 and, thus, is allowable for at least the same reasons as those stated above for claim 7. Claim 18 depends from independent claim 17 and includes all of the elements and limitations of independent claim 17 and, thus, is allowable for at least the same reasons as those stated above for claim 17. Furthermore, where an independent claim is non-obvious, any claim depending therefrom is also non-obvious. *See*, MPEP 2143. Applicant, therefore, requests the withdrawal of the rejection of dependent claims 8 and 18 under § 103(a).

### **Conclusion**

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 01-2525. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 543-5021.

Respectfully submitted,  
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